

U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

February 24, 2020

SO ORDERED

John J. Nathan

HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

VIA ECF
Hon. Alison J. Nathan
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

Re: *Chen v. McAleenan, et al.*, No. 19 Civ. 9951 (AJN)

Dear Judge Nathan:

This Office represents the government in this action in which plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to schedule the plaintiff for an interview in regards to his application for asylum. On behalf of the government, I write respectfully to request that the initial conference presently scheduled for April 23, 2020 be adjourned *sine die*.

By way of background, on December 18, 2019, the government filed a letter requesting that the Court endorse a proposed briefing schedule for the government’s anticipated Motion to Dismiss the Complaint. In light of that request, the government also requested that the Court extend the deadline to respond to the complaint to the date the government’s opening brief would be due and to adjourn the initial pretrial conference *sine die*. See ECF No. 9. The Court granted these requests on December 19, 2019. See ECF No. 10. However, on February 21, 2020, this Court issued an order adjourning the conference to April 23, 2020. See ECF No. 20.

The adjournment *sine die* is respectfully requested because the parties will be submitting briefs with respect to the government’s forthcoming Motion to Dismiss the Amended Complaint in accordance with the briefing schedule endorsed by the Court on February 3, 2020, and respectfully submit that a conference is not necessary at this point in the litigation.¹ See ECF No. 19.

This is the government’s second request to adjourn the initial conference. Plaintiff’s counsel consents to this request.

¹ After the government had filed its Motion to Dismiss the Complaint, plaintiff filed an Amended Complaint on January 27, 2020. See ECF No. 17. On January 30, 2020, the government then requested that the Court endorse a new briefing schedule for the government’s anticipated Motion to Dismiss the Amended Complaint. See ECF No. 18. The Court granted that request on February 3, 2020. See ECF No. 19.

I thank the Court for its consideration of this letter.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: *s/ Simon Nakajima*
SIMON NAKAJIMA
Special Assistant United States Attorney
Telephone: (212) 637-2770
Facsimile: (212) 637-2786
E-mail: simon.nakajima@usdoj.gov

cc: Counsel of record (via ECF)